

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: July 28-29, 2016**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Diane Clark, Chair; Ronald Cheney, D.O., Vice Chair; Kyle Ulveling, M.D., Secretary; Diane Cortese; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; KellyAnn Light-McGroary, M.D.; Mary Jo Romano; Hamed Tewfik, M.D.; Charles Wadle, D.O.

THURSDAY, JULY 28, 2016

7:30 a.m. **EXECUTIVE COMMITTEE - Medical Conference Room B**
Chair Clark, Cheney, Cortese, Tewfik, Ulveling

8:00 a.m. **SCREENING COMMITTEE - Board Room**
Chair Wadle, Gilg Gachiani, Kolegraff, Light-McGroary, Romano

9:00 a.m. **MONITORING COMMITTEE - Board Room**
Chair Cheney, Cortese, Gilg Gachiani, Kolegraff, Wadle

9:00 a.m. **LICENSURE COMMITTEE - Medical Conference Room B**
Chair Tewfik, Clark, Light-McGroary, Romano, Ulveling

BOARD – OPEN SESSION - Board Room
Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle
A. Call to Order, Roll Call to Establish a Quorum & Acknowledgment of Absent Members
B. Review of Agenda

BOARD – CLOSED SESSION - Board Room
Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Iowa Physician Health Committee
1. Notice of non-compliance

B. Committee Reports

1. Licensure
2. Monitoring
3. Screening

C. Review of Closed Minutes

1. June 2-3, 2016

LUNCH BREAK

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Unlicensed Practice of Medicine Cases

B. Vote on Cases Reviewed in Closed Session

ADJOURN

The Chair will accept a motion to adjourn the meeting until 8 a.m. Friday, July 29, 2016.

FRIDAY, JULY 29, 2016

8:00 a.m.

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Call to Order, Roll Call to Establish a Quorum & Acknowledgment of Absent Members

BOARD – CLOSED SESSION -Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Vote on Cases Reviewed in Closed Session

9:00 a.m.

OPEN SESSION/PUBLIC MEETING^{3,5} - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Call to Order, Roll-call to Establish a Quorum & Acknowledge Absent Members

B. Opportunity for Public Comments⁵

(Public can make comments now or when specific agenda items are addressed.)

C. Board Minutes for Consideration of Approval

1. **June 2-3, 2016 - open and closed**

D. Chair's Report

E. Executive Director's Report

F. Administrative Rules

1. **Update.** On June 3, 2016, the Board approved a **Notice of Intended Action** to rescind rule **653 IAC 13.10**. The Board's action involves a rule related to medical abortion deemed unlawful by the Iowa Supreme Court in opinion No. 14-1415. The Governor's Office is reviewing the proposed action and has not released it for publication in the Iowa Administrative Bulletin.
2. **Update.** On January 14, 2016, the Board approved a **Notice of Intended Action** to amend **653 IAC Chapter 17**, "Licensure of Acupuncturists." The amendments update requirements for licensure, renewal and reinstatement; identify diagnostic and treatment modalities performed by acupuncturists; provide definitions of additional terms associated with acupunctural services; revise requirements for the display, distribution and retention of a disclosure sheet which contains information for patients; establish requirements for the delegation of certain aspects of treatment; and establish a requirement that licensees report changes in their full legal name. The Governor's Office is reviewing the proposed action and has not released it for publication in the Iowa Administrative Bulletin.
3. **Update. ARC2610C.** This amendment to 653 IAC Chapter 25 addresses an outdated description of the composition of a board panel that hears contested case proceedings. The Board approved a **Notice of Intended Action** on June 3, 2016. A public hearing on this rulemaking was held July 26, 2016. No comments were received. The Board can vote to adopt this amendment at the August 11, 2016, teleconference.
4. **For Consideration of Adoption - ARC 2535C,** amendments to 653 IAC Chapter 13. They update the list of board-recommended resources for chronic pain management, including the new CDC guideline on opioid prescribing. A public hearing was held May 31. No comments were received. If adopted on July 29, 2016, the amendments would be effective September 21, 2016.

G. Report on Joint Rulemaking by the Boards of Medicine and Physician Assistants

- 1. ARC 2532C, the Board of Medicine's adopted rule, became effective June 15.**
- 2. ARC 2531C is the Board of Physician Assistants' re-noticed rule. The PA board determined to delay any further action on this rulemaking until October.**
- 3. Legal staff for the Administrative Rules Review Committee has issued a memorandum on the rulemaking by both boards.**

H. Ongoing Comprehensive Review of Rules (for information only)

I. Report on Ad Hoc Subcommittee to work with Iowa Board of Psychology to Establish Rules on Prescribing Certificates and Psychologists Who Prescribe Psychotropic Medications

J. Report on Ad Hoc Subcommittee to Study Sexual Orientation Change Efforts

K. Licensure Update

- 1. Administrative Medicine License**
- 2. Notarization of license applications**
- 3. Interstate Medical Licensure Compact Update**

L. Judicial Review/Legal Update

- 1. Rabi v. BOM (# 2) (challenging contested case decision) –** Brief has been filed on Board's behalf asking the court to affirm the Board's decision. Oral argument was held on July 14, 2016. Awaiting decision.
- 2. Rabi v. BOM (# 5) (challenge to Board's denial of termination of probation and request to amend original decision) –** Newly filed appeal. A motion to dismiss was filed on behalf of Board. Rabi's attorney asked for more time to respond. His resistance was due July 25, 2016.
- 3. Risk v. BOM – (challenging Board's denial of his request for rehearing)** Supreme Court appeal challenging the district court's order affirming Board's order. Case has been fully briefed and we are awaiting notice of oral argument.
- 4. Fleming v. BOM, No. 14-0975 –** The Court of Appeals issued a decision affirming the Board's discipline of Dr. Fleming. Dr. Fleming has filed a request for rehearing. Awaiting Court's ruling.

M. Board Member Education

- 1. Records retention**

N. Federation of State Medical Boards

O. Iowa Physician Health Committee/Program

- 1. Program update (Amy Van Maanen)**

P. Correspondence, reports & articles

1. *Doctors & Sex Abuse*, Atlanta Journal-Constitution, July 6, 2016.
2. *First Non-physician Leads Iowa Medical Board*, Des Moines Register.com, June 30, 2016.
3. *Obstetrical Care in Iowa: Year 2015 Report on Health Care Access*, Iowa Department of Public Health.

Q. Committee Reports

1. Licensure
2. Monitoring
3. Screening

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

LUNCH BREAK

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Vote on Cases Reviewed in Closed Session

ADJOURN

If there is no further business to conduct, the Chair will declare the meeting adjourned.

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.

(3) Public agenda materials are available via e-mail. Contact: ibm@iowa.gov

(4) The Board may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The Board's scheduled meetings for the remainder of 2016:

- **Thursday, August 11 (teleconference)**
- **Thursday and Friday, September 15-16 (Meeting will be held at Arrowhead Conference Center, Okoboji.)**
- **Thursday and Friday, October 27-28**
- **Thursday, November 10 (teleconference)**
- **Thursday and Friday, December 15-16**

The Board's office closing for the remainder of 2016:

- **Monday, September 5 (Labor Day)**
- **Friday, November 11 (Veterans Day)**
- **Thursday and Friday, November 24-25 (Thanksgiving)**
- **Monday, December 26 (Christmas observed)**

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.